

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:) DOCKET NO. 01-00704
)
)
UNITED CITIES GAS COMPANY, a)
Division of ATMOS ENERGY)
CORPORATION INCENTIVE PLAN)
ACCOUNT (IPA) AUDIT)

**UNITED CITIES GAS COMPANY'S MEMORANDUM IN
RESPONSE TO THE ATTORNEY GENERAL'S
MOTION TO COMPEL**

United Cities Gas Company ("UCG"), by and through counsel, files this memorandum in response to the Attorney General's ("CAD") Motion to Compel.

It is correct that Russell Perlsins agreed to allow UCG's counsel a one day extension to respond to CAD's discovery on September 20, 2002, the CAD and the TRA staff attorney were duly served with an electronic version of the responses. A signed copy of the response was filed and served via hand delivery on September 24, 2002. The signed copy was exactly the same as the response that was sent electronically on September 20th. None of the responses were revised. Accordingly, there was absolutely no prejudice to the CAD.

The substantive objections to UCG's response are misplaced. The Rules of Civil Procedure do not require the responding party to search through a voluminous transcript to derive the meaning of certain words in questions. While UCG properly objected to the specific interrogatories, in the majority of cases it responded without waiving the objection. This is a well recognized method of responding to discovery. In fact, the CAD repeatedly responded to the UCG interrogatories in the same manner.

Finally, the CAD failed to identify the specific interrogatory responses to which it objected. Such a general objection is insufficient and misplaced.¹

UCG requests that the Hearing Officer schedule a hearing on the respective Motions to Compel.

BAKER, DONELSON, BEARMAN
& CALDWELL, P.C.

By: Joe Conner w/ permission
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¹ Counsel for UCG, Joe Conner, is working out of state today and on September 25th. After drafting this memorandum, Mr. Conner learned that the CAD filed a supplemental memorandum in support of its Motion to Compel on September 27th. The memorandum was faxed late on Friday afternoon on September 27th to Mr. Conner's office after he had left for the weekend. He has not had the opportunity to respond to the supplemental motion. To the extent necessary, Mr. Conner will respond to the supplemental memorandum on October 3rd upon returning to his office.

CERTIFICATE OF SERVICE

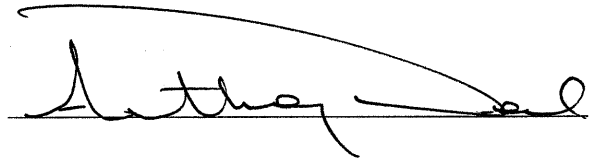
I hereby certify that a true and correct copy of the foregoing was served via facsimile and/or hand delivery on September 24th, 2002.

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A handwritten signature in black ink, appearing to read "Jon Wike", written over a horizontal line.